

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**SUBDIVISION REPORT # FPP-21-06**  
**SUBDIVISION NO. 295**  
**NOVEMBER 24, 2021**

**I. GENERAL INFORMATION**

**A. Project Description**

The proposal is for preliminary plat approval of a 4 residential lot subdivision. The property will be served by individual septic systems and wells. The property is located at 106 Splendid View in Creston, MT.

**B. Project Personnel**

**i. Owner/Applicant**

JMB Holdings  
PO BOX 5254  
Kalispell, MT 59901

**ii. Tech. Representative**

Sands Surveying  
2 Village Loop  
Kalispell, MT 59901

**C. Application Review Dates**

**1. Land Use Advisory Committee/Council**

The proposal is not located within the jurisdiction of a Land Use Advisory Committee.

**2. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on December 8, 2021, and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

**3. Commission**

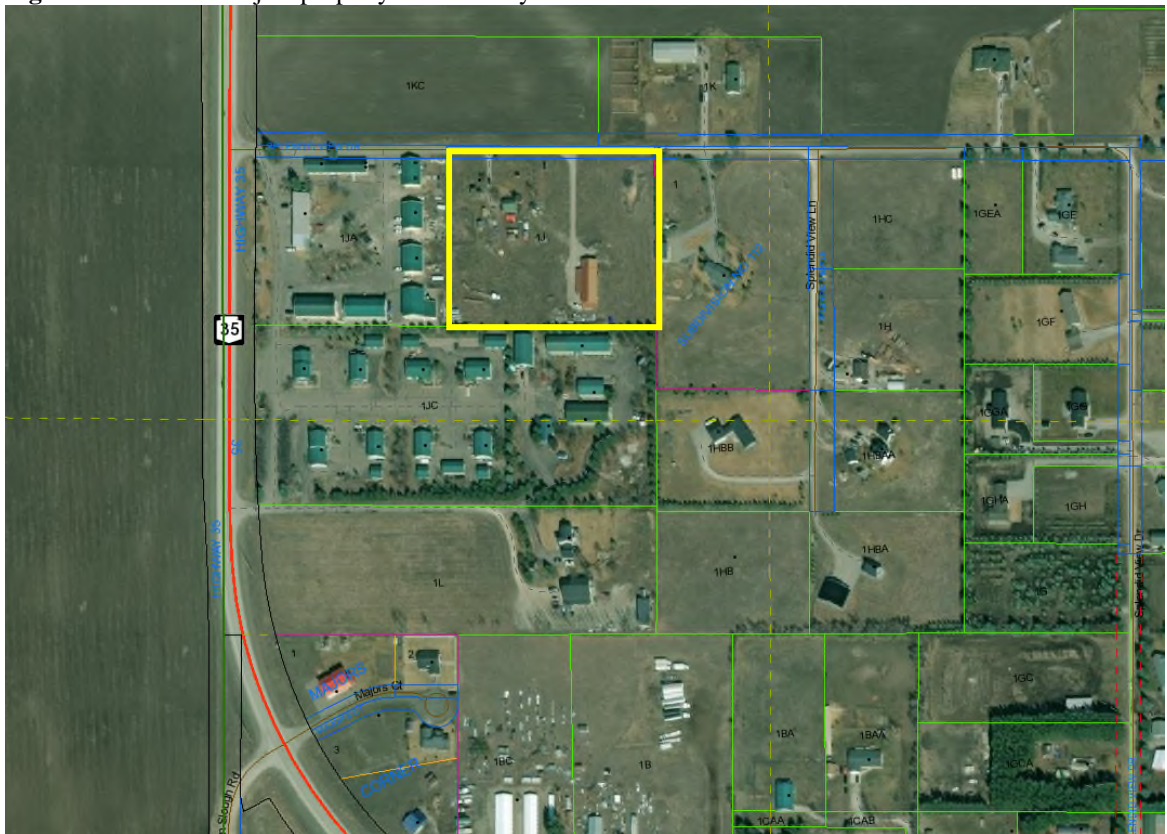
The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to January 13, 2022, which is the end of the 60-working day statutory review period.

**II. ADMINISTRATIVE CHARACTERISTICS**

**A. Legal Description and Detailed Location of Subject Property**

The subject property is 5.00 acres in size and is located at 106 Splendid View in Creston, Montana. The property can legally be described as Tract 1 of COS No. 8532 in the Northwest ¼ of Section 16, Township 28 North, Range 20 West, P.M.M Flathead County, MT.

**Figure 1:** Aerial of subject property outlined in yellow



## B. Subdivision Layout Detail

1. Total Subdivision Acreage:	5.00 acres
2. Acreage in Lots:	4.23 acres
3. Acreage in Roads:	0.77 acres
4. Total Park/Common Area/Open Space Acreage:	0.00 acres
5. Minimum Lot Size:	0.92 acres
6. Maximum Lot Size:	1.20 acres
7. Density:	1 lot per 2.5 acres

## C. Current Land Use and Zoning

The property is currently developed with a house and other accessory building. The property is not zoned. The remainder of the property remains open with trees along the perimeter.

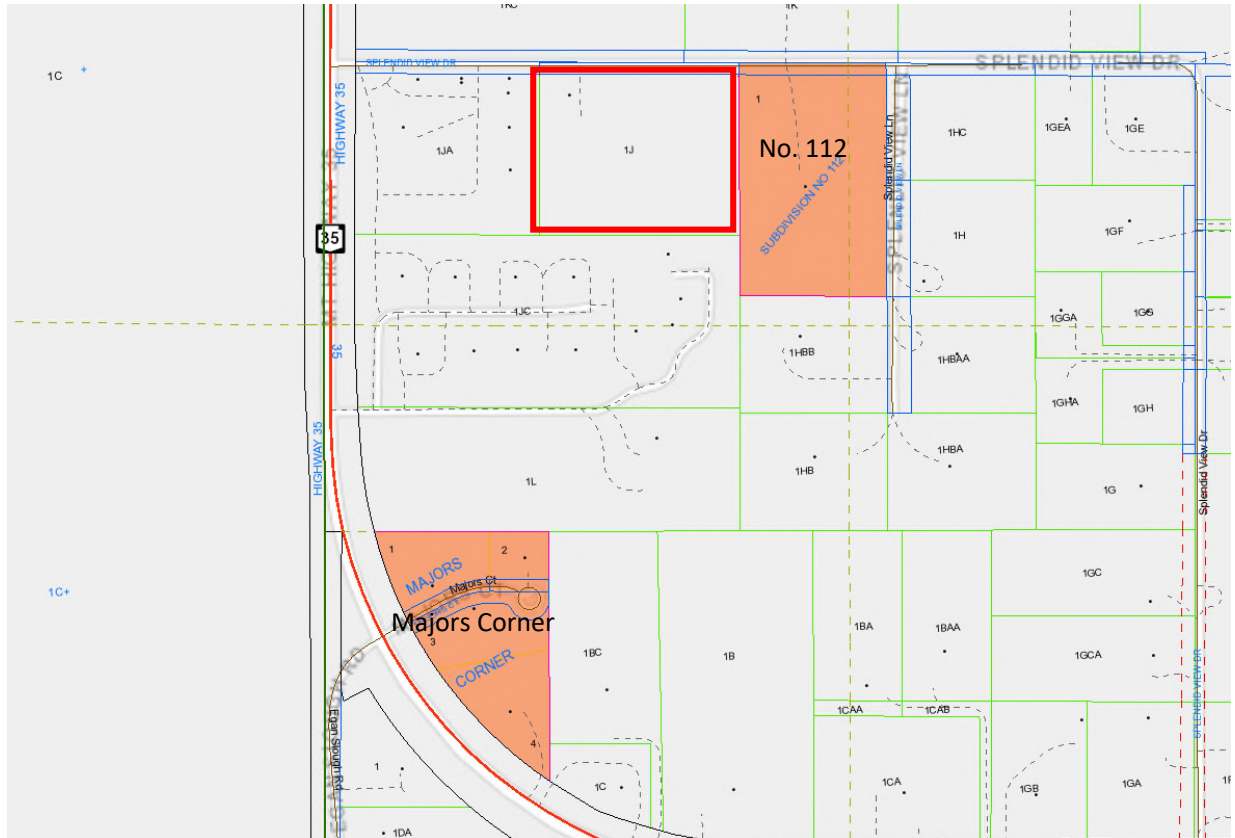
## D. Proposed Land Use

The proposed subdivision would create 4 residential lots. The applicant is not proposing common area/open space and will utilize an internal subdivision road via Splendid View Drive for access.

### E. Previously Considered Subdivisions in Area

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
No. 112 (1994)	Residential	1	5.00 acres
Majors Corner (2007)	Residential/Commercial	4	1.00 acres

**Figure 3 - Area subdivisions, subject property shown in red**



### F. Utilities and Services

1. **Wastewater:** Individual
2. **Water:** Individual
3. **Electricity** Flathead Electric Cooperative
4. **Natural Gas** Northwestern Energy
5. **Solid Waste** Contract Haul- Evergreen Disposal
6. **Schools:** Creston School District  
Flathead High School District
7. **Fire:** Creston
8. **Police:** Flathead County Sheriff

## III. COMMENTS RECEIVED

### A. Agency Comments

1. Referrals were sent to the following agencies on October 19, 2021:
  - Flathead County Solid Waste
  - Montana Department of Transportation
  - Flathead City-County Health Department

- Creston Fire Department
  - MT Fish, Wildlife, & Parks
  - Flathead County Weeds & Parks Department
  - Flathead County Address Coordinator
  - BPA
  - DEQ
  - Flathead County Sheriff
  - Creston School District
  - Flathead High School District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- MDT
    - Comment: “[...] The Department does not have any further comment on this request.” Letter received November 3, 2021
  - Flathead County Solid Waste
    - Comment: “The District requests that all new subdivisions use a private hauler to bring the solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. Evergreen Disposal is the (PSC) Public Service Commission Licensed hauler in this area.” Letter dated October 26, 2021
  - Flathead City-County Environmental Health Department
    - Comment: “The proposed subdivision is subject to review under the Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review will address water supply, wastewater, stormwater drainage and solid waste disposal.
    - “This project is not located within the Kalispell Air Pollution Control District as designated in Flathead Air Pollution Control Regulations. However, fugitive dust must be controlled during development.” Letter dated October 28, 2021
  - BPA
    - Comment: “At this time, BPA does not object to this request, as the property is located approximately 3.5 miles away from the nearest BPA transmission Lines or structures.” Email received October 19, 2021
  - Creston Fire Department
    - Comment: “Roads to be built to County Standards with road surface designed for large (heavy) fire apparatus.
    - “Roadway design to allow full access for emergency vehicles including adequate turning radius for large apparatus to eliminate the need for backing.
    - “All roads to have legible signage readable at night.
    - “All home accesses to have legible and reflective address numbers readable at night.

- “Subdivision to have a year-round accessible water tender recharge facility with a usable 10,000 gallons in storage with a discharge pump capable of 500 gpm with two 2.5” NH fire thread male fittings. Water supply to be designed with a “keep full” supply from a well. Recharge facility long term maintenance will be the responsibility of the developer and/or Homeowner’s Association.
- **“NOTE:** Due to the location of this four lot subdivision, an “in lieu of” option is offered as a “payment to improve/enhance current or proposed Water Tender Recharge facilities in the immediate area. In this case the enhancement would be at the large (30,000+ gallon) community emergency water supply to be installed at the replacement Fire Station 251 on Hwy 35 at Creston. Such “in lieu of” payments would be in the amount of \$2500.00 per lot, a cost much less than that of a complete Water Tender Recharge Facility on-site.
- “Water tender recharge facility to be full and operable prior to any building construction.” Letter dated November 3, 2021

#### **B. Public Comments**

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on November 17, 2021, legal notice was published in the Daily Interlake on November 21, 2021 and notice of the proposal and public hearing was physically posted onsite on November 16, 2021.

As of the date of the completion of this staff report, no public comments have been received from the general public regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

### **IV. LOCAL GOVERNMENT REVIEW**

#### **A. Review Criteria**

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

##### **1. Agriculture and Agricultural Water User Facilities**

According to the Environmental Assessment, the subject property is not currently being utilized for agricultural production and subdivision has been mostly cleared of trees.

Properties to the north have been historically and are currently used for agriculture. The Environmental Assessment states, “Neighboring crops contain, nursery species, hay and grain. Typical impacts from residential use to agricultural uses include invasive weeds and complaints about dust or noise.”

There are no shared agricultural water works, canals, irrigation ditches, or pump houses on the property. The property is not located within an agricultural water district or area.

**Finding #1** – There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because the property has no

irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements, and the property is not currently, nor has it historically been used for agriculture.

## **2. Local Services**

### **a. Water and Wastewater Services**

The application indicates, “The proposed system for domestic and irrigation use are individual wells serving each of the lots. Based on domestic demand of 100 gallons per capita per day (gpd) per lot combined with the US census data of about 2.5 persons per home, a total of 1,000 gpd will be used to meet the average daily domestic demand.”

“The subdivision 295 proposes to use individual septic systems for treatment of wastewater. Each lot has been tested for soils, percolation and groundwater. The test hole/groundwater data are included in Appendix A of this EA.”

Comments from the Environmental Health office state, ““The proposed subdivision is subject to review under the Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review will address water supply, wastewater, stormwater drainage and solid waste disposal.”

**Finding #2** – The subdivision will have minimal impact on water and wastewater because the subdivision will utilize individual wells and septic and will be required to be reviewed and permitted by the Montana Department of Environmental Quality.

### **b. Solid Waste Disposal**

Pursuant to Section 4.7.22 FCSR, the applicant should be required to meet the requirements of the Flathead County Solid Waste District. Comments from the Solid Waste District state, “The District requests that all new subdivisions use a private hauler to bring the solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. Evergreen Disposal is the (PSC) Public Service Commission Licensed hauler in this area.”

The application states, “The subdivision will use a contract hauler for refuse collection and hauling. The landfill is located along U.S. Highway 93 about 10 miles northwest of the subject property.”

**Finding # 3** – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

### **c. Roads**

As shown on the preliminary plat, primary access to all the lots will be from Splendid View Drive via the proposed internal subdivision road. Splendid View is a two-lane private road within a 60-foot easement. The internal subdivision road will end in a hammer head and will be required to be constructed to Flathead County Road and Bridge Department standards.

According to the Environmental Assessment, the proposal is likely to generate 30 additional average daily trips (ADT). Because Splendid View Drive is a private road no traffic counts exist. There are 22 homes located on Splendid View Drive which would

equate to approximately 220 ADT. The road loops around to Highway 35 so traffic can travel in both directions, and it is likely that roughly half the traffic heads south to Highway 35. Therefore, the applicant estimates the total traffic for the count of 110 ADT in front of the subdivision. The proposed subdivision has the potential to increase traffic by approximately than 27.3%. No off-site improvements will be required as the property is located on a paved road.

**Finding #4** – Impacts on area roads would appear to be acceptable because the proposal will generate 30 additional trips, Splendid View is a paved road, and the internal subdivision road will be constructed to Flathead County Road and Bridge Department standards.

**d. Schools**

According to census data for Flathead County, the average household size is 2.55 persons and approximately 16.1% of the population is between the ages of 5-18 years so each household would have approximately 0.41 school age children. The proposal has the potential to generate 3 additional dwellings and therefore could generate approximately 1 school age child.

The property is located in the Creston School District and Flathead High School District. Neither school district provided comments regarding this proposal. The number of students generated by this proposal will likely be able to be served without introducing significant impacts to the school districts.

**e. Mail Delivery**

The applicant states the subdivision will utilize a PO Box. The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

**f. Recreation**

Pursuant to Section 4.7.24(e)(iii) FCSR, requires 5% of the combined gross area of the land proposed to be subdivided into parcels larger than one acre and not larger than three acres. Because all four lots have a gross acreage over one acre but under three the total required parkland dedication would be 0.25 acres. The owner/applicant is proposing cash-in-lieu of parkland to meet the parkland requirements.

The subdivision offers many recreation opportunities given its proximity to Glacier National Park and National Forest lands for hiking, camping, and hunting, and area lakes and rivers for swimming, fishing, and boating.

The Flathead County Trails Plan does not designate Splendid View Drive as a bicycle and pedestrian path.

**Finding #5** – Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add approximately three additional lots, the applicant is proposing to utilize PO boxes, cash-in-lieu or 0.25 acres of parkland is required and a bike and pedestrian easement is not required.

### 3. Public Health and Safety

#### a. Storm Water Drainage

The applicant is proposing to construct a new road and will contain roadway ditches to be used as retention facilities. The soil on the property is well drained which will add in on-site absorption of storm water.

The Environmental Assessment states, “Runoff water from the paved road in Subdivision 295 will flow to roadside grassy ditches or swales with gently graded side-slopes to facilitate maintenance by the adjacent homeowners and to provide adequate capacity for short-term storage. No runoff water from new impervious or newly graded vegetation surfaces will be discharged offsite at rates greater than pre-construction.”

**Finding #6** – Impacts from storm water run-off will be acceptable because the existing soils are well drained, and the proposed storm drainage calculation and retention areas appear to meet or exceed DEQ requirements.

#### b. Fire/Emergency Medical Services

The site is located within the Creston Fire District. The nearest fire district is approximately 1.25 miles away. Based on the location of the property in proximity to the fire station and local fire district, response times are anticipated to be minimal.

Comments from the Creston Fire Department state, ““Roads to be built to County Standards with road surface designed for large (heavy) fire apparatus. Roadway design to allow full access for emergency vehicles including adequate turning radius for large apparatus to eliminate the need for backing. All roads to have legible signage readable at night. All home accesses to have legible and reflective address numbers readable at night.

“Subdivision to have a year-round accessible water tender recharge facility with a usable 10,000 gallons in storage with a discharge pump capable of 500 gpm with two 2.5” NH fire thread male fittings. Water supply to be designed with a “keep full” supply from a well. Recharge facility long term maintenance will be the responsibility of the developer and/or Homeowner’s Association.

**“NOTE:** Due to the location of this four lot subdivision, an “in lieu of” option is offered as a “payment to improve/enhance current or proposed Water Tender Recharge facilities in the immediate area. In this case the enhancement would be at the large (30,000+ gallon) community emergency water supply to be installed at the replacement Fire Station 251 on Hwy 35 at Creston. Such “in lieu of” payments would be in the amount of \$2500.00 per lot, a cost much less than that of a complete Water Tender Recharge Facility on-site.

“Water tender recharge facility to be full and operable prior to any building construction.”

According to the applicant the subdivision access is designed to County Standards as requested by the Fire Chief.



At the time this subdivision was deemed sufficient, the property was not shown as being located within the Wildland Urban Interface (WUI) and the property is not currently within County Wide or Fire District Priority Area. The property contains some tree around the edges but is otherwise mostly open.

**Finding #7** - Impacts on fire and medical services would be minimal because the property is mostly open with a few trees located along the perimeter, and the property is served by the Creston Fire Department which provided comment on the proposal.

**c. Police Services**

The proposed subdivision is located in a rural area of Flathead County and will be served by the Flathead County Sheriff's Department. The combination of existing staff levels, shift rotations, size of the county, the dispersed nature of the population, and the property's relative distance from the Flathead County Sheriff's Office in Kalispell may lead to delayed response times in the event of an emergency.

**Finding #8** – Impacts on police services would be minimal with standard conditions because both proposed lots already contain a house so the sheriff's office would not be impacted further by the subdivision.

**d. Impact of Noise**

While some noise and vibration will probably result from construction of the internal subdivision road, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise beyond what is typical for a residential area is anticipated as a result of the proposed subdivision. The proposed residential use is not anticipated to generate permanent continuous noise impacting area residents or wildlife.

**e. Air Quality**

The applicant has submitted a "Dust Control Plan" compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

The Environmental Assessment states, "All subdivision roads within the project will be constructed and paved to County Standards. Splendid View Drive is paved out to Highway 35, which provides access to the development. All roads within the development will be privately owned and maintained. Watering of disturbed areas and tracking pads will be incorporated into the construction contract to lessen the potential of fugitive dust during construction of the subdivision."

**Finding #9** – Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as the property is accessed via Splendid View Drive a paved private road, the internal subdivision road will be paved, a Dust Abatement Plan was provided and impacts of noise will be limited during construction.

**f. High Voltage Electric Lines/High Pressure Gas Lines**

There are no high-pressure gas lines or high voltage electrical lines on the subject property.

**g. Airport Influence Areas**

The subject property is not within an airport influence area.

**Finding #10** – The proposal does not appear to have an impact on high voltage electric lines, high-pressure gas lines or an airport influence area because the property is not located near any of those hazards.

**4. Natural Environment**

**a. Soils**

According to NRCS soils data, the soils on the subject property consist of Creston silt Loam (Ce). According to the soil survey, Ce has a 0 to 3 percent slope, is well drained and has a soil classification of prime farmland.

**b. Geologic/Avalanche Hazards**

According to the applicant and confirmed by staff on the site visit, the property is located in an area of gently rolling terrain with no steep slopes. There appears to be no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards is present on the subject property.

The proposed subdivision is not considered prone to avalanche hazards.

**Finding #11** – No impacts from geological and avalanche hazards are anticipated because the property is located in an area of gently rolling terrain and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.

**c. Flora**

According to the applicant a search conducted by the Montana Natural Heritage Program identified this general area of the County may contain five plant species of concern. The species of concern in the vicinity include; Beaked Spikerush, Flatleaf Bladderwort, A Scorpidium Moos, Tufted Club-rush and Roundleaf Sundew.

The habitat for the species of concern is mainly warm springs, or fens, wetlands, bogs, rivers and streams. The subject property does not contain wetlands, wet or moist areas at it is located in an open space with well drained soils.

Most noxious weeds thrive when soil is disturbed. Some can grow from root parts, as well as seeds that become exposed. Pursuant to Section 4.7.25 FCSR the subdivision will be required to develop and implement a weed control plan approved by the Flathead County Weeds Department prior to final plat approval.

**Finding #12** – Minimal impacts on flora are anticipated because the site does not contain habitat for plant species of concern in the area and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

**d. Riparian/Wetland Areas**

The subject property does not contain any surface waters, wetlands or riparian areas.

**e. Floodplain**

According to FEMA FIRM Panel 30029C1835J, the subject property is mapped as unshaded Zone X. unshaded Zone X is defined as areas outside of the 0.2% annual chance flood hazard area.

**Finding #13** – No impacts to riparian area, wetland and floodplain are anticipated on the subject property as there are no riparian area, wetlands or floodplain on the property.

**f. Wildlife and Wildlife Habitat**

A search of the Montana Natural Heritage Program identified this general area of the County may be frequented by seven species of concern including the Bull Trout, Pygmy Whitefish, Westslope Cutthroat Trout, Great Blue Heron, Bald Eagle, Great Gray Owl and Grizzly Bear. According to the Environmental Assessment, The Great Blue Heron was documented north and west of the property along the Flathead River and the eagle and owl species prefer forested areas along the Flathead River also. The fish species are documented in the river as well. The property does not contain any streams, rivers or surface water and the property has been developed and contains only a few trees.

**Finding #14** – The proposed subdivision would likely have a minimal impact on wildlife and wildlife habitat because even though species of concern have been documented in the general area, the property had previously been developed, and contains only a few trees.

**5. Historical Features**

The applicant contacted the State Historical Preservation Office (SHPO) which has no record of any historical or culturally significant use on the subject property. There does not appear to be any historic, archeological, or cultural sites on the subject property.

**Finding #15** – The proposed subdivision will not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.

**B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.**

**Finding #16** – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

**C. Compliance with the Flathead County Subdivision Regulations and Review Procedure**

**1. Requested Variances**

No variances have been requested with this application.

**2. Flathead County Subdivision Review Procedure**

**i. Pre-application Conference Date**

May 19, 2021

**ii. Application Deadline Date (6 months from pre-application)**

November 19, 2021

**iii. Application Submittal Date**

September 22, 2021

**iv. Completeness Date**

September 27, 2021

**v. Sufficiency Date**

October 18, 2021

**vi. Agency Referral Requests Mailing Date**

October 19, 2021

**vii. Adjacent Property Notification Mailing Date**

November 17, 2021

**viii. Legal Notice Publication Date**

November 21, 2021

**ix. On-site Posting of Public Hearing Date**

November 16, 2021

**Finding #17** – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

**D. Provision of Easements for the Location and Installation of Planned Utilities**

**Finding #18** – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

**E. Provision of Legal and Physical Access to Each Parcel**

1. **Finding #19** – Splendid View Drive would provide legal and physical access to the subdivision and individual lots would have access via the proposed internal subdivision road.

**F. Review of Applicable Plans**

76-1-605(2)(b) M.C.A states that *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criterion by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

**1. Neighborhood Plan**

The proposed subdivision is not located within a neighborhood plan area.

**2. Flathead County Growth Policy**

The Flathead County Growth Policy is a general policy document that meets the requirements of M.C.A. 76-1-601 and was adopted on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy (M.C.A.76-1-606). This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

#### **G. Compliance with Local Zoning**

The proposed subdivision is not zoned.

**Finding #20** – The proposal generally complies with the Flathead County Growth Policy and local zoning regulations because the proposed subdivision is not zoned and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

#### **V. SUMMARY OF FINDINGS**

2. There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because the property has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements, and the property is not currently, nor has it historically been used for agriculture.
3. The subdivision will have minimal impact on water and wastewater because the subdivision will utilize individual wells and septic and will be required to be reviewed and permitted by the Montana Department of Environmental Quality. [Condition 5]
4. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management. [Conditions 7 & 10d]
5. Impacts on area roads would appear to be acceptable because the proposal will generate 30 additional trips, Splendid View is a paved road, and the internal subdivision road will be constructed to Flathead County Road and Bridge Department standards. [Conditions 16 & 17]
6. Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add approximately three additional lots, the applicant is proposing to utilize PO boxes, cash-in-lieu or 0.25 acres of parkland is required and a bike and pedestrian easement is not required. [Condition 6]
7. Impacts from storm water run-off will be acceptable because the existing soils are well drained, and the proposed storm drainage calculation and retention areas appear to meet or exceed DEQ requirements. [Conditions 5 & 12]
8. Impacts on fire and medical services would be minimal because the property is mostly open with a few trees located along the perimeter, and the property is served by the Creston Fire Department which provided comment on the proposal. [Condition 2]
9. Impacts on police services would be minimal with standard conditions because both proposed lots already contain a house so the sheriff's office would not be impacted further by the subdivision.
10. Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as the property is accessed via Splendid View Drive a paved private road, the internal subdivision road will be paved, a Dust Abatement Plan was provided and impacts of noise will be limited during construction. [Conditions 8 & 10c]
11. The proposal does not appear to have an impact on high voltage electric lines, high-pressure gas lines or an airport influence area because the property is not located near any of those hazards.

12. No impacts from geological and avalanche hazards are anticipated because the property is located in an area of gently rolling terrain and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.
13. Minimal impacts on flora are anticipated because the site does not contain habitat for plant species of concern in the area and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval. [Conditions 3 & 10e]
14. No impacts to riparian area, wetland and floodplain are anticipated on the subject property as there are no riparian area, wetlands or floodplain on the property.
15. The proposed subdivision would likely have a minimal impact on wildlife and wildlife habitat because even though species of concern have been documented in the general area, the property had previously been developed, and contains only a few trees.
16. The proposed subdivision will not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.
17. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval. [Condition 11]
18. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018. [Condition 14]
19. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations. [Condition 13 and 14]
20. Splendid View Drive would provide legal and physical access to the subdivision and individual lots would have access via the proposed internal subdivision road.
21. The proposal generally complies with the Flathead County Growth Policy and local zoning regulations because the proposed subdivision is not zoned and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

## **VI. CONCLUSION**

In accordance with the provisions of Section 4.5.7 of the Flathead County Subdivision Regulations, a review and evaluation of the preliminary plat application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria, pursuant to the Findings of Fact. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, Findings of Fact and Conditions of Approval attached should be adopted.

## **VII. CONDITIONS OF APPROVAL**

### **A. Standard Conditions**

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Creston Fire Department. A letter from the Creston Fire Department stating that the plat meets the requirements of the Department shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR and Finding of Fact (FOF) 7]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 12]
4. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
5. The proposed water, wastewater treatment, and stormwater drainage systems shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR and FOF 2 & 6]
6. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR and FOF 5]
7. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR and FOF 3]
8. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 9]
9. All road names shall be approved by Flathead County and clearly identified, and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified, and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]

- c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 9]
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR and FOF 3]
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR and FOF 12]
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 16]
  12. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.) FOF 6]
  13. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR and FOF 18]
  14. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR and FOF 17 & 18]
  15. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

## **B. Project-Specific Conditions**

16. Design and construction of the internal subdivision road shall be certified by a licensed engineer and constructed as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR and FOF 4]
17. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR and FOF 4]
18. Either cash-in-lieu or a total of 0.25 gross acres (minimum) of land shall be dedicated as parkland and maintained by a Homeowner's Association in accordance with the provisions of Section 4.7.24(d)(ii) FCSR and shall be designated on the face of the final plat. [FOF 5]

Planner: EKM